

REMARKS

The Office Action of June 29, 2009 presents the examination of claims 1 and 12-19.

Claims 12 and 13 are canceled herein and claims 1, 14 and 16 are amended to confine the claims to subject matter elected following restriction of the claims by the Examiner.

Dependency of claims 1, 15, 17 and 19 is amended so as to maintain dependence from pending claims.

Claims 18 and 19 are amended to clarify the nature of the intended invention.

Applicants reserve the right to file applications directed to the non-elected and other subject matter canceled from the present application pursuant to 35 USC § 120.

Rejection under 35 USC § 112, first paragraph

Claims 12-15 and 17 are rejected under 35 USC § 112, first paragraph, for alleged lack of written description support in the specification for the proviso recitation that "if R1 is H and R' are both H, then Ar is not substituted-phenyl...". While Applicants do not agree with the Examiner about the interpretation of the *Johnson* case and the propriety of carving out of particular elements of a Markush listing, the claims are amended to remove this issue from the present application.


Applicant believes the pending application is in condition for allowance, and such favorable action is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuehl, Ph.D., Reg. No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 29, 2009

Respectfully submitted,

By 

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